

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT for February 26, 2015 @ 7pm

Case Number: B-15-10

Appellant: Elm Tree Properties LLC
represented by Brandy A. Peeples, Esq.
“Fiddletree Farms”
2220 Thurston Road
Ijamsville, MD 21754

Appeal: Requesting Special Exception approval to use a
Historic Structure or Site for establishing a
Facility for Functions

Location: Located on southwest side of Thurston Road
(2220 Thurston Road, Tax Map 105, Parcels 33, 63
Tax ID #07-233183, 07-210175, 07-233191)

Planning Region: Urbana

Zoning District: Resource Conservation (RC)

Comp. Plan Designation: Natural Resource

Applicable Ordinances: Sec. 1-19-3.210 Special Exceptions
Sec. 1-19-8.600 Historic Structures or Sites

Background:

The subject parcels are zoned Resource Conservation and contain over 262 acres.

The Applicant’s materials state that the Property is currently listed on the Maryland Historical Trust Register of Historic Places, and is known as the George E. House homestead. Existing structures on the Property include the dwelling, springhouse and two barns and a silo, having noted significance in their exterior stonemasonry, some of the oldest structures dating back to the 1840’s.

Proposal:

The Applicant is proposing to establish a Facility for Functions as per Ordinance Section 1-19-8.600. The Applicant has submitted a County Register Nomination form to the Frederick County Historic Preservation Commission in follow-up to the property having been previously listed on the Maryland Register.

If granted the Applicant plans to make their Property available for weddings, corporate retreats, birthday parties, anniversary parties, and company picnics, using the existing historic barns on the Property to mitigate noise and noted outdoor areas of the Property for outdoor events that may incorporate temporary tenting.

The Applicant proposes the hours of operation as Wednesdays/Thursdays 10am-9pm; Fridays/Saturdays 10am-10pm; and Sunday 11am-7pm.

Staff notes that the Frederick County nighttime Noise Ordinance levels begin at 10pm, and requires that any outdoor music and entertainment begin to be cut-off around 9pm to meet the 65dBA requirement, or have the music moved indoors.

Staff is aware that the Applicant's have already advertised that their proposed facility is available for booking private events. Staff notes the Applicant's proposed use cannot begin until the Applicant's have received not only an approval from this Board of Appeals, but have also applied for and received a site development plan approval from the Frederick County Planning Commission, followed by completion of all requirements of the Permitting and Inspections department to properly establish the use on the Property.

General Criteria – Special Exception:

Under the provisions of Section 1-19-3.210 of the County Zoning Ordinance:

- (A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.
- (B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:
 - (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and
 - (2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
 - (3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

- (4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety. *(continued on next page...)*
- (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

Specific Criteria – Section 1-19-8.600 Historic Structures and Sites:

The Board of Appeals may grant a special exception in any zoning district, for the conversion of an existing historic structure or site into a restaurant, inn, antique shop, museum, information center, business or professional office, group home use, or a facility for functions such as seminars, festivals, cultural or social events, or other similar activities of historic interest, provided that off-street parking requirements of this chapter are met. Such conversion shall not result in any substantial external alteration of the appearance of the historic structure or site. Historic structure or site as used in this section only means a structure or site listed on or eligible for the National Register of Historic Places, the Maryland Register of Historic Places or the Frederick County Register of Historic Places. All requests for special exception under this section shall be referred to the Frederick County Historic Preservation Commission for determination of eligibility for placement on the Frederick County Register of Historic Places, and for review and comment. Before the special exception can take effect, the historic structure or site must be listed on the Frederick County Register of Historic Places.

Action Required:

Staff requests that the Board review the Applicant's request for Special Exception under Section 1-19-3.210 (*Special Exceptions*) and Section 1-19-8.600 (*Historic Structures or Sites*) and render a decision on the Applicant's request.

Site Maps:



